

STATE OF NEVADA  
BOARD OF HEARING AID SPECIALISTS

MINUTES

FEBRUARY 12, 2005

1. Call to Order and Roll Call

President Vander Wall called the meeting to order at 10:05 A.M. at the University Medical Center, Trauma Building, Conference Room G, Las Vegas. Roll call showed the following individuals present:

Board Members:

Dr. Kathleen VanderWall, President  
Tracy Sandborn, Secretary  
Rick Vaughn, Member  
Denise Segreti, Member

Staff:

Christina Harper, Board Administrator  
George Campbell, Deputy Attorney General

Public:

Susan Lloyd  
Thomas Rainford  
Kenneth Lujan  
Janice Ritchie

President VanderWall determined that a quorum was present.

2. Approval of Minutes

A. September 18, 2004 Board Meeting Minutes

Member Sandborn moved to accept the September 18, 2004 meeting minutes as presented, seconded by Member Vaughn. The motion passed unanimously.

3. Review Policy Procedure Manual

Mrs. Harper indicated that the only change to the Policy Procedure Manual was an increase to 40.5 cents per mile for mileage reimbursement effective January 1, 2005.

There being no additions, amendments, or objections, President VanderWall stated that the Policy Manual was approved as submitted.

4. Discussion and Action to Consider Support of Bill Draft Request Regarding  
Commission of Occupational Licensing

President VanderWall stated that at the last meeting the Board Members were going to review the proposed bill draft request and discuss at this meeting.

Member Vaughn expressed support for the bill draft request.

President VanderWall stated that it was her impression that this bill would create an office that would investigate and pass judgment on complaints against licensees in their jurisdictions and that it would utilize professionals to help assess compliance with rules and regulations. President VanderWall stated that she would be in support of the bill if this was the impression.

Mr. Campbell stated that it is hard to say if that impression is correct or not. The Attorney General's Office has not yet been notified that the bill is in draft form by the Legislative Counsel Bureau. The final BDR has not yet been received by the Attorney General's Office. Mr. Campbell will contact Mrs. Harper when the final BDR is received and forwarded to the Legislature.

The Board directed Mrs. Harper to e-mail the bill draft request number to Board Members when it is known. It was discussed that the Board could hold a meeting via telephone to discuss the bill draft request and take a position.

President VanderWall made a motion that prior to lending support or prior to taking a neutral stand on this BDR, the Board would like to obtain the final language, when available, read and discuss, and Mr. Campbell will inform the Board when the final BDR is available, seconded by Member Sandborn. The motion passed unanimously.

5. Report of Board Chair  
A. Schedule Next License Examination

The next licensure examination was scheduled for April 9, 2005 in Las Vegas. The Board discussed beginning the exam at 10:00 A.M., to accommodate the airline flights from President VanderWall coming from Reno. Member Segreti will research to determine if a room at the Rivera is available to hold the exam.

B. Schedule Next Board Meeting

The next Board meeting was scheduled for either June 11 or June 25, 2005 in Reno to begin at 10:00 A.M. Mrs. Harper will notify Board Members of the date when a location can be secured.

6. Report of Secretary/Treasurer  
A. Financial Report

Mrs. Harper handed out the financial report as of December 31, 2004. It was indicated that the Board has a balance of \$20,186 in checking and \$20,757 in CD's.

Mr. Campbell indicated that this Board has the smallest reserve of small boards and encouraged the Board to work towards a large reserve. The Board discussed that the remedy to a large reserve is to raise licensing fees and that bill draft was not accepted by the Governor's Office to be forwarded to the Legislature.

Member Vaughn moved to accept the financial report through December 31, 2004, seconded by Member Vaughn. The motion passed unanimously.

7. Report of Board Administrator

A. Application Profiles and Board Acceptance of those Applications

The Board reviewed the following licensure applications.

Following a review of Elizabeth Gautereaux's application, President VanderWall stated that all documents are in order and moved to approve Ms. Gautereaux's application and for her to take the exam, seconded by Member Sandborn. The motion passed unanimously.

Following a review of Kathleen Young Lee's application, Member Vaughn stated all documents are in order and moved to approve Ms. Lee's application and for her to take the exam, seconded by Member Sandborn. The motion passed unanimously.

Following a review of Courtney Smith's application, President VanderWall stated that all documents are in order and moved to approve Ms. Smith's application and for her to take the exam, seconded by Member Vaughn. The motion passed unanimously.

Following a review of Abby Stevenson's application, Member Vaughn stated that all documents are in order and moved to approve Ms. Stevenson's application and for her to take the exam, seconded by President VanderWall. The motion passed unanimously.

Following a review of Angela Moughis' application, it was determined that Ms. Moughis still has approximately five months of training prior to obtaining her CFY and she may take the exam when proof of her CFY is received by the Board. President VanderWall moved that Ms. Moughis' is not eligible to take the April exam, seconded by Member Vaughn. The motion passed unanimously.

Following a review of Steven Head's application, President VanderWall stated that the application does not contain the required transcripts, proof of his HIS certification and letters of personal reference have not been received by the Board. President VanderWall stated that Mr. Head has indicated in the application that he is currently working for Family Hearing Care in Las Vegas. President VanderWall questioned what type of work is Mr. Head performing for Family Hearing Care and requested that the Board Administrator send a letter to Family Hearing Care requesting a response as to what type of work Mr. Head is

performing. President VanderWall stated that Mr. Head is not qualified to take the exam because all of his qualifications are not in order and requested an investigation on Mr. Head on the work he is performing for Family Hearing Care, seconded by Member Sandborn. The motion passed unanimously.

Following a review of Diane Coombs' application, President VanderWall stated that the application is missing personal letters of reference, proof of her Certificate of Clinical Competence in Audiology, and verification of licensure in the states of Texas, Oklahoma, California, Washington, Colorado, Oregon, Arizona and Massachusetts. President VanderWall moved that Ms. Coombs is not qualified at this time to sit for the exam, seconded by Member Sandborn. The motion passed unanimously.

Following a review of Kenneth Lujan's application as an apprentice, President VanderWall stated that there was a question as to Janina Chambers' qualifications to be a sponsor as she recently received her hearing aid specialist license. The Board requested that Mrs. Harper investigate Ms. Chambers' eligibility to be a sponsor. President VanderWall moved that Mr. Lujan is not qualified to take the exam, as he would need to complete an apprentice program and provide proof that he has completed the HIS Independent Study Program, seconded by Member Sandborn.

Mr. Lujan was present and indicated that he is applying for an apprentice license and was not requesting to take the exam. Mr. Lujan stated that he was not made aware that Ms. Chambers might be ineligible to be a sponsor.

President VanderWall stated that due the misunderstanding, she moved that the Board check to ensure that date Janina Chambers received her own license to determine that she is an appropriate sponsor for Mr. Lujan and that that Board contact Mr. Lujan at the earliest possible convenience, as he may need to find an alternative sponsor, seconded by Member Sandborn. The motion passed unanimously.

Member Vaughn indicated that a sponsor of an apprentice needs to be in the same physical location as the apprentice.

Following a review of Donald Stephens' application, President VanderWall stated that the application was incomplete. The application was missing letters of employment verification from previous employers and letters of personal reference. President VanderWall stated that they have also received information that Mr. Stephens has been involved in unethical activity, in that he has allegedly been performing hearing tests on clients.

Member Vaughn stated that two customers have indicated that they have been tested by Donald Stephens and Janina Chambers name and license number are listed on the contract. The customers have indicated Ms. Chambers did not perform the hearing test and was not present during the testing. It was alleged that Mr. Stephens has been performing hearing tests without a license under the

name, license number and signature of Janina Chambers. It was indicated that Janina Chamber is putting her license in jeopardy if she allows an unlicensed individual to perform hearing tests under her license number.

Following discussion, Mr. Campbell advised that the Board invite Donald Stephens and Janina Chambers to the next Board meeting in June to explain the discrepancies of information that has been received. This item was postponed until the next meeting with no decision being made by the Board.

The Board directed Mrs. Harper to send a letter of invitation to Donald Stephens and Janina Chambers to the next Board meeting to be held in Reno, to explain the situations that have arisen. The Board also directed Mrs. Harper to send a letter to the two consumers and request that they provide written, notarized testimony for the June Board meeting. Member Vaughn will make copies of the contracts and mail them to the Board Administrator. Mr. Campbell also suggested that the letter to Donald Stephens and Janina Chambers indicate the statute and regulations that require a person to have a license to practice in Nevada and put Mr. Stephens on notice that the Board has been advised of problems and that he may be in violation of state law.

Following a review of Michael Tobin's application, President VanderWall stated that Mr. Tobin has indicated that he was unable to get Rochville University to send an original transcript directly to the Board at their P.O. Box. President VanderWall indicated that she researched this issue and alleged that he does not actually have a bachelor's degree; he used an on-line diploma mill – called Rochville University. President VanderWall's research revealed that his diploma indicates that the degree was conferred in 1972 and in a review of the actual transcript that Mr. Tobin provided with the application, there are no actual dates listed on the transcript except for his birth date. In the information obtained by President VanderWall she states that to obtain a transcript from Rochville there are no studies, no attendance, no waiting, no examinations, no hefty fees, just pay \$199 in fifteen days and you can have this on-line degree. The State of Oregon has filed complaints against Rochville University and there have been Senate Hearings in terms of the illegality of on-line diploma mills. There is no address, no way to contact Rochville University, no classroom, and no physical address. President VanderWall stated that when you apply for your \$199 degree, you will receive two certificates that are to be used as official transcripts.

President VanderWall stated that Mr. Tobin's application does not satisfy NAC 637A.030(2), which requires a bachelor's degree or higher degree in any field, the application is also an infringement of NAC 637A.040(1), which states that any applicant who furnishes false information or omits pertinent information in the application will be denied the right to take the examination, and NAC 637A.040(2), which states failure of an applicant to complete all forms and provide all information required by law or regulation may be cause for an application to be rejected by the Board.

President VanderWall reviewed some of the "Frequently Asked Questions" from Rochville University.

- This is a life experience degree. Am I eligible for a degree based on my life experiences? Yes. We define life experience as any of the following: prior job experience, military training, previous education achievements, travel, your goals, your lifestyle.
- Degrees do not contain words like life experience or on-line. They are the same degrees issued to students enrolled in traditional programs at universities; moreover we will actually award a score for the subjects that fall under your field.
- For \$199 we will send you one original accredited degree, two original transcripts, one award of excellence, one certification of distinction, one certificate of membership, and four educational verification letters. Degrees and certificates awarded from our site do not contain words like on-line or life experience.
- Can I specify the year of graduation? Yes. We will grant you a degree in your preferred year. However, our evaluation committee will make sure that your life experience for the degree you apply for is the same as your preferred year.

President VanderWall stated that this company was started in 1995 and is accredited by the On-Line University Corporation and is not accredited by any agency that is honored by the US Department of Education. The only way to contact this university is at [www.affordabledegrees.com](http://www.affordabledegrees.com).

The Board discussed placing a definition of "accredited" into the regulations at a future meeting.

President VanderWall stated that this application is incomplete, in that he is missing original documentation of a bachelor's degree and the degree is fraudulent. Following discussion, President VanderWall moved that in reference to Mr. Tobin's application, the Board is denying his ability to sit for the exam because of lack of qualifications within the application itself and the Board does not have an official transcript sent directly to the Board from the university, Mr. Tobin is also in non compliance of NAC 637A.030(2) - "A bachelor's degree or higher degree in any field" and infringement of 637A.040(1) – "Any applicant who furnishes false information or omits pertinent information in his application will be denied the right to take the examination" and infringement of NAC 637A.040(2) – "Failure of an applicant to complete all forms and provide all information required by law or regulation may be cause for an application to be rejected by the Board" and requested to invite Michael Tobin to the next Board meeting to discuss the violations, seconded by Member Vaughn. The motion passed unanimously.

Following a review of John Zeszotarski's application, President VanderWall stated that missing from this application is proof of his Certificate of Clinical

Competence in Audiology (an actual copy of the certificate must be submitted) and the Board has received negative feedback in a letter from a previous employer – El Paso Hearing Aid and Audiology Center an El Paso, Texas. It was indicated that Mr. Zeszotarski did not list El Paso Hearing Aid and Audiology Center on his application wherein it asks for employers within the previous five years. This letter was received in response to a personal reference letter sent to an individual named by Mr. Zeszotarski, and this individual did not want to reply to the letter and gave the letter to her employer. Mr. Zeszotarski worked for El Paso Hearing Aid and Audiology Center within the last five years. President VanderWall stated that the application is missing two letters of verification from previous employers.

Mrs. Harper stated that she received an anonymous phone call that Mr. Zeszotarski has been practicing without a license.

In his application, a letter from Sounds of Life indicates that Mr. Zeszotarski has worked for Sounds of Life since December 1, 2004 in the Corporate Office in Las Vegas Office on Patrick Lane.

President VanderWall moved to deny Mr. Zeszotarski's application and he is not eligible to sit for the exam due that there is no proof of his Certificate of Clinical Competence and an infringement of NAC 637A.040(1) – "Any applicant that furnishes false information or omits pertinent information in his application will be denied the right to take the examination, seconded by Member Vaughn. The motion passed unanimously.

Following a review of Sylvia Tobin's application, President VanderWall moved to deny Ms. Tobin to take the exam and invite her to the next meeting to explain if she had knowledge that her husband, Michael Tobin, furnished false information on his application and the ethical implications, seconded by Member Sandborn. It was indicated that all of Ms. Tobin's qualifications are in order except to explain to the Board that she had knowledge of information provided on Michael Tobin's application. The motion passed unanimously.

President VanderWall moved that Mr. Kenneth Lujan will be eligible to begin his apprenticeship once it has been determined Ms. Chambers' eligibility as a sponsor or if not, when he obtains a new sponsor, seconded by Member Sandborn. The motion passed unanimously.

Chair VanderWall indicated that there are a total of four applicants eligible to take the exam on April 9, 2005 in Las Vegas.

#### B. Licensee Examination Results from November 2004

Mrs. Harper reviewed the exam results from the testing held November 13, 2004:

- Robyn Sclar – passed all three exams, has paid initial license fee and has received her license;

- Rebecca Davis – passed all three exams, has not paid initial license fee and does not have her license;
- Nichole Sheldon – passed all three exams, has paid initial license fee and has received her license;
- Kathleen Ramirez – passed two exams and narrowly failed the State Statutes and Code of Ethics exam by 1%.

There was a discussion regarding if Kathleen Ramirez, as an employee of Michael Tobin, had any knowledge of Michael Tobin's degree. Following discussion, Member Vaughn moved that Ms. Ramirez take the State Statute and Code of Ethics exam, seconded by Member Sandborn. The motion passed unanimously.

#### C. Review of Quarterly Reports for Apprentices

The Board reviewed the quarterly reports for apprentices.

#### D. Complaints

#04-09-065 – Following a review and discussion of the complaint, President VanderWall moved to dismiss the complaint based upon the fact that the client received the hearing aids that were ordered on the Invoice, seconded by Member Vaughn. The motion passed unanimously.

#04-10-066 – Following a review and discussion of the complaint, Member Sandborn moved to dismiss the complaint based upon the fact that the return of the hearing aids was not requested during the 30 day trial period and the client did not mention that there were any problems with the hearing aids during that time, seconded by President VanderWall. The motion passed unanimously.

#04-11-067 – Following a review and discussion of the complaint, President VanderWall moved to dismiss the complaint based upon the fact that the client did not fully understand exactly what his insurance would be paying for and did sign a disclaimer noting that the verification of insurance benefits is not a guarantee of payment, seconded by Member Sandborn. The motion passed unanimously. There has already been a judgment in Justice Court awarding the Hearing Aid Specialist \$1,710.

#### 8. Update on Case #04-08-064 – Initializing Process of Hearing Aid Specialist Not Providing the Appropriate Information on Complaint

Mr. Campbell stated that he has sent a letter to a Hearing Aid Specialist, informing the Specialist of the problem, the law, and the consequences. Mr. Campbell stated that this is the first letter that is sent when a problem arises. The first step is to ensure that the Specialist knows what the problem is, what the possible consequences are if they don't deal with the problem, and give time to deal with the issue. In about 30 days, Mr. Campbell will follow-up.



In the time since the letter was sent, Mr. Campbell has received a phone call from the Hearing Aid Specialist and is providing additional information to the Specialist.

#### 9. Public Comment

Janice Ritchie handed out a copy of her father Francis Tobin's obituary. Ms. Ritchie read a complaint letter naming the Board and Board Administrator that was sent to Lorne Malkiewich from Michael and Sylvia Tobin. The Board was not provided a copy of the letter.

Member Vaughn responded that the Board treats every applicant exactly the same. President VanderWall requested that Ms. Ritchie send a copy of the letter from Michael and Sylvia Tobin to the Board Administrator to distribute to Board Members.

Susan Lloyd stated that audiology is in transition to a doctoral profession and the Board may need to add the doctoral program to the regulations. In the future there will be individuals who will go from a bachelor's degree to doctoral degree. Currently there are no provisions in the regulation for this.

Member Vaughn stated that licensing in Nevada is difficult and stated that people coming into Nevada need to know the laws and to circumvent the laws could cause damage, not only to the person with the license but also to the client.

President VanderWall stated that she has observed that within every application she has reviewed are letters to the applicant indicating what they are missing to complete the application. It is then the responsibility of the applicant to respond and provide the missing information/documents.

#### 10. Adjournment of Meeting

President VanderWall moved to adjourn the meeting at 12:35 P.M., seconded by Member Sandborn. The motion passed unanimously.